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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

IN RE ZAPPOS SECURITY BREACH  
LITIGATION

) MDL: 2357

) Case No. 3:12-cv-00325-RCJ-VPC

)

) **STIPULATION AND [PROPOSED]**

) **ORDER CONTINUING DATE FOR**

) **PLAINTIFFS TO OPPOSE**

) **DEFENDANT'S MOTION TO**

) **DISMISS AND MOTION TO STRIKE**

)

) **(THIRD REQUEST)**

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This document relates to:

ALL ACTIONS

On November 16, 2015, Defendant Zappos.com, Inc.'s ("Zappos" or "Defendant") moved to dismiss (Docket No. 254) Plaintiffs' Third Amended Complaint Amended Complaint and to strike the class actions allegations in the complaint (Docket No. 255) (Docket No. 254 and Docket No. 255 are, collectively, "the Motions").

The parties met and conferred and stipulate to allow Plaintiffs up to, and including, February 3, 2016, for the filing of Plaintiffs' responses to the Motions. Defendants will have thirty (30) days to file a reply.

The parties previously stipulated to a thirty day extension for Zappos to file the Motions. Docket No. 247. The parties also stipulated to an extension for Plaintiffs to file their opposition. Docket No. 258 and Docket No. 261.

The instant extension is necessary so that the parties can meet and confer on the issue of redacting any confidential statement made within the opposition briefs as required by the protective order. Docket No. 93.

1 Plaintiffs agree not to serve any new discovery requests while the Motion to Dismiss and  
2 Motion to Strike (the "Rule 12 Motions") are pending, except if the Court first determines that  
3 there is good cause for such new discovery. In no event, while the Rule 12 Motions are pending,  
4 will Plaintiffs file any motion relating in any way to any prior discovery requests (a "Prior  
5 Discovery Motion"); Defendant agrees it will not argue that any such Prior Discovery Motion is  
6 barred by reason of laches or undue delay by reason of its not being filed prior to decision on the  
7 Rule 12 Motions.

8 This is the second stipulation to extend Plaintiffs' time to respond to the Motions.

9  
10 DATED: January 29, 2016

11 KAEMPFER CROWELL

THE O'MARA LAW FIRM, P.C

12  
13 By: /s/ Robert McCoy

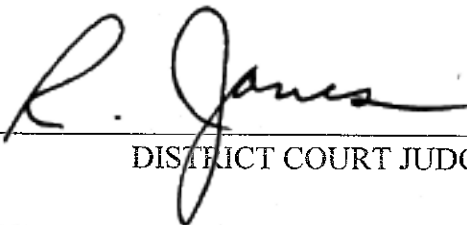
By: /s/ David C. O'Mara

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17  
18 **ORDER**

19 IT IS SO ORDERED.

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22 \_\_\_\_\_  
DISTRICT COURT JUDGE

23 DATED: February 3, 2016.  
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